

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ROY EASTERWOOD,

Plaintiff,

v.

JAMES M. BROWN, SR., et al.,

Defendants.

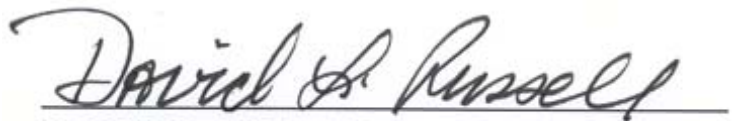
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Case No. CIV-09-379-R

ORDER

Before the Court is the Supplemental Report and Recommendation of United States Magistrate Judge Gary M. Purcell entered April 16, 2010. Doc. No. 20. No objection to the Supplemental Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Therefore, the Supplement Report and Recommendation of the Magistrate Judge is ADOPTED and this case is DISMISSED pursuant to F.R.Civ.P. 12(b)(6) and 28 U.S.C. § 1915(b)(1). This dismissal will count as one “strike” under 28 U.S.C. § 1915(g) after Plaintiff has exhausted or waived his right to appeal from this Order.

IT IS SO ORDERED this 7th day of May, 2010.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE